

Date: 2-19-21

Senate Judiciary, Law Enforcement, and Criminal Justice Committee

Bill: 1st Sub. HB 58 Riot Amendments

Sponsor: Rep. Wilcox

Floor Sponsor: Sen. Ipson

UASD Position: Tracking

This Bill: adds specific sanctions for individuals arrested and convicted of rioting.

Discussion: Rep. Wilcox explained that the bill now pertains to individuals who knowingly or recklessly engage in violent conduct. They have added the word “substantial” before “bodily injury” and “property damage.” Sen. Cullimore asked about the bail provisions of the bill. Rep. Wilcox said he has committed to including this bill in bail discussions during the interim, however they don’t want to delay the bill. Rep. Kennedy asked if “substantial bodily injury” is defined in code. Rep. Wilcox said it is. Several members of the public shared concerns about the bill’s impact on people of color and the definition of riot. The Law Enforcement Legislative Committee and the Utah Chiefs of Police Association are neutral on the bill. Weber County Sheriff Ryan Arbon supports the bill. Sen. Thatcher asked about the distinction between protests and riots. Chief Chad Soffe said current law distinguishes between the two. Sen. Thatcher asked if people are protesting and one of them sets a car on fire, will all the people be charged with rioting? Chief Soffe said only the person who sets the car on fire will be charged with rioting. Sen. Thatcher asked how many of the people arrested for rioting last summer were minorities. Chief Soffe said he estimates 5%. Sen. Thatcher said they have raised the bar for law enforcement with several bills this session, and he feels it is appropriate to raise the bar for protestors. Sen. Cullimore asked what other crimes require the individual to appear before a magistrate before being released on bail. Rep. Wilcox said he doesn’t have a list, but there are several other crimes. He emphasized that this bill is not about protests; it is about violent conduct. Sen. Thatcher explained that holding rioters until they can see a judge will help keep protests law-abiding.

Yeas: 3

Nays: 1

N/V: 3

Outcome: 1st Sub. HB 58 passed out of committee with a favorable recommendation.

Bill: 2nd Sub. HB 80 Data Security Amendments

Sponsor: Rep. Brooks

Floor Sponsor: Sen. Harper

UASD Position: Tracking

This Bill: creates affirmative defenses to certain causes of action arising out of a breach of system security.

Discussion: Rep. Brooks noted that he is speaking to the 2nd substitute, which uses industry terminology. This bill incentivizes the creation of affirmative defenses of people's data. The Salt Lake Chamber supports the bill. The 2nd substitute was adopted.

Yeas: 4

Nays: 0

N/V: 3

Outcome: 2nd Sub. HB 80 passed out of committee with a favorable recommendation.

Bill: 3rd Sub. HB 158 Juvenile Interrogation Amendments

Sponsor: Rep. Judkins

Floor Sponsor: Sen. Thatcher

UASD Position: Tracking with Concern

This Bill: addresses the interrogation of minors who are in custody for an offense.

Discussion: Rep. Judkins introduced the bill. It will extend the rights given to minors 13 and under to all minors. She shared data showing that adolescents are disadvantaged in an

interrogation setting. The bill requires law enforcement to make reasonable efforts to contact a parent ahead of an interrogation and allows a minor to have a parent present. Sen. Thatcher said this is an important bill. He feels that they may have ceded too much ground to law enforcement, and looks forward to potentially doing more work on this issue during interim.

Yeas: 3

Nays: 0

N/V: 4

Outcome: 3rd Sub. HB 158 passed out of committee with a favorable recommendation.